

**SUBMITTAL TO THE FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT  
BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 11.4  
(ID # 21791)

**MEETING DATE:**

Tuesday, June 13, 2023

**FROM :** FLOOD CONTROL DISTRICT:

**SUBJECT:** FLOOD CONTROL DISTRICT: Adopt Resolution F2023-03, Accepting the Engineer's Report and Setting the Date of the Public Hearing for the National Pollution Discharge Elimination System Program Santa Margarita Watershed Benefit Assessment Area, Pursuant to Ordinance No. 14 Providing for the Establishment and Levy Benefit Assessment for the National Pollution Discharge Elimination System Stormwater Program, All Districts. [\$0] (CLERK TO ADVERTISE)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Accept the Engineer's Report on the National Pollutant Discharge Elimination System Program for the Santa Margarita Watershed Benefit Assessment Area, dated June 2023;
2. Direct the Clerk of the Board to advertise for the public hearing on said report, to be held at 9:30 a.m. on July 11, 2023, at a regular meeting of the Board of Supervisors ("Board"); and
3. Adopt the following entitled Resolution: Resolution No. F2023-03 Accepting the Engineer's Report and Setting a Public Hearing for the Santa Margarita Watershed Benefit Assessment Area Pursuant to Ordinance No. 14 Providing for the Establishment and Levy of Benefit Assessments for the National Pollutant Discharge Elimination System (NPDES) Stormwater Program.

**ACTION: Policy, Set for Hearing**

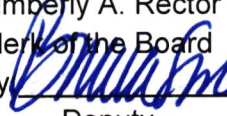
  
Edwin Quinonez 5/25/2023

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Washington, and Gutierrez  
Nays: None  
Absent: Spiegel, Perez  
Date: June 13, 2023  
xc: Flood, COBcf

Kimberly A. Rector  
Clerk of the Board  
By   
Deputy

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD  
OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$0	\$0	\$0	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment: N/A</b>	
			<b>For Fiscal Year: 23/24</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The Santa Margarita Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-22 by the Board pursuant to Ordinance No. 14 of the Riverside County Flood Control and Water Conservation District and the Riverside County Flood Control and Water Conservation District Act. Said Ordinance No. 14 requires that the Chief Engineer shall prepare an annual report on the status of the program and recommend the benefit assessment levy to be enrolled for the ensuing fiscal year. The Board, upon acceptance of said report, shall set a time and place for a public hearing to hear and consider all protests regarding the report and the amount of the proposed benefit assessment levy.

**Impact on Residents and Businesses**

The financial impact to property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls. The proposed benefit assessment rate for Fiscal Year 23/24 is \$4.00 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 96/97 and all subsequent years.

**ATTACHMENTS:**

1. SMR BA Engineer's Report FY 2023-24
2. SMR BA Resolution No. F2023-03

CW:amh:ju  
P8/250281

  
Jason Farin, Principal Management Analyst 6/6/2023

  
Aaron Gettis, Deputy County Counsel 5/26/2023

**BOARD OF SUPERVISORS**

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2023-03

ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM

**WHEREAS**, the California Regional Water Quality Control Board - San Diego Region, on behalf of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside and certain Cities within the Santa Margarita Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

**WHEREAS**, under existing state and federal regulations, the District must obtain and comply with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control and stormwater drainage facilities; and

**WHEREAS**, the NPDES Permit requires the District to develop, implement and manage specific compliance programs dealing with stormwater runoff that will benefit all property within the Santa Margarita Watershed that lies within the District's jurisdiction; and

**WHEREAS**, the District's Board of Supervisors ("Board") on May 14, 1991 adopted Resolution No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water Conservation District Act, which is Appendix 48 to the California Water Code ("District Act"), and pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("Benefit Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the Santa Margarita Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit Assessment ("Benefit Assessment") to pay the District's annual costs associated with the NPDES Permit; and

FORM APPROVED COUNTY COUNSEL  
BY: AAC 5-15-23  
AARON C. GETTIS DATE

1           **WHEREAS**, the Benefit Assessments collected are principally used to finance capital  
2 costs and to maintain and operate the flood control system as required by the terms of said NPDES  
3 Permit and must be expended in the Benefit Assessment Area in which they are collected; and

4           **WHEREAS**, pursuant to Article IV of Ordinance No. 14, the General Manager-Chief  
5 Engineer of the District ("Chief Engineer") is to cause to be prepared annually a written report for  
6 each Benefit Assessment Area regarding the Benefit Assessment to be levied and to file said report  
7 ("Report") with the Clerk of the Board of Supervisors; and

8           **WHEREAS**, the Chief Engineer has caused a report to be prepared and filed with the Clerk  
9 of the Board of Supervisors regarding the Benefit Assessment to be levied for the 2023-24 Fiscal  
10 Year for the Santa Margarita Watershed Benefit Assessment Area; and

11           **WHEREAS**, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a  
12 date, time and place for a public hearing on the Report; and

13           **WHEREAS**, the voters of California on November 5, 1996 approved Proposition No. 218  
14 which added Article XIID to the California Constitution ("Article XIID") effective November 6,  
15 1996; and

16           **WHEREAS**, with regard to an assessment in place as of November 6, 1996, Section 5(a)  
17 of Article XIID provides in pertinent part that "...any assessment imposed exclusively to finance  
18 the capital costs or maintenance and operation expenses for...flood control and drainage systems..."  
19 shall be exempt from the procedures and approval process set forth in Section 4 of Article XIID  
20 until the assessment is increased.

21           **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of  
22 Supervisors of the Riverside County Flood Control and Water Conservation District in regular  
23 session assembled on the 13<sup>th</sup> day of June 2023 as follows:

24           Section 1. Each of the above recitals is true and correct.

25           Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the  
26 Board of Supervisors is accepted.

27           Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels  
28 within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance

1 No. 14, in Fiscal Year 2023-24 is equal to or less than the Benefit Assessment that was enrolled  
2 and levied for Fiscal Year 1996-97 and all subsequent years.

3 Section 4. The public hearing on the Report is to be held at 9:30 a.m. or soon thereafter  
4 on Tuesday, July 11, 2023, in the meeting room of the District's Board of Supervisors which is  
5 located at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

6 Section 5. The Chief Engineer is to cause copies of the Report to be placed at the  
7 following sites for review by the public:

8 Clerk of the Board  
9 County Administrative Center  
10 4080 Lemon Street, 1<sup>st</sup> Floor  
11 Riverside, California

12 Riverside County Flood Control  
13 and Water Conservation District  
14 1995 Market Street  
15 Riverside, California

16 City of Temecula  
17 41000 Main Street  
18 Temecula, California

19 City of Murrieta  
20 1 Town Square  
21 Murrieta, California

22 Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by  
23 the Chief Engineer to be published in The Press Enterprise once a week for two (2) successive  
24 weeks pursuant to the provisions of Section 6066 of the California Government Code. The Chief  
25 Engineer is to cause said notice to be posted in at least three (3) public places within the boundaries  
26 of the Santa Margarita Watershed Benefit Assessment Area at least seven (7) days prior to the date  
27 of the hearing.

28 Section 7. This Resolution shall take effect upon its adoption.

1 **BOARD OF SUPERVISORS**

**RIVERSIDE COUNTY FLOOD CONTROL**

2 **AND WATER CONSERVATION DISTRICT**

3  
4 **RESOLUTION NO. F2023-03**

5 **ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE**

6 **SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO**

7 **ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT**

8 **ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

9 **("NPDES") STORMWATER PROGRAM**

10  
11 ROLL CALL:

12  
13 Ayes: Jeffries, Washington, and Gutierrez

14 Nays: None

15 Absent: Spiegel, Perez

16  
17  
18 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of  
19 Supervisors on the date therein set forth.

20  
21 KIMBERLY A. RECTOR, Clerk of said Board

22  
23 By:  \_\_\_\_\_

24 Deputy

25  
06.13.2023 11.4

**ENGINEER'S REPORT**  
**TO THE**  
**BOARD OF SUPERVISORS**  
**OF THE**  
**RIVERSIDE COUNTY FLOOD CONTROL**  
**AND WATER CONSERVATION DISTRICT**  
**ON THE**  
**NPDES PROGRAM**  
**FOR THE**  
**SANTA MARGARITA WATERSHED**  
**BENEFIT ASSESSMENT AREA**  
**JUNE 2023**

**JASON E. UHLEY**  
**General Manager-Chief Engineer**



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- APPENDIX B – RCFC&WCD Ordinance No. 14 (May 14, 1991)**
- APPENDIX C – Map of Santa Margarita Watershed  
Benefit Assessment Area (SMWBAA)**
- APPENDIX D – SMWBAA Assessment Roll (FY 2023-24)  
(Under Separate Cover)**



## INTRODUCTION

In 1987, Congress amended the Federal Clean Water Act (CWA) to require public agencies which serve urbanized areas with a population greater than 100,000 and other designated areas to obtain permits to discharge urban stormwater runoff from municipally owned drainage facilities including streets, highways, storm drains, and flood control channels. In November 1990, the United States Environmental Protection Agency (USEPA) promulgated enforceable regulations establishing Municipal Separate Storm Sewer System (MS4) Permit requirements under its National Pollutant Discharge Elimination System (NPDES) Program. In California, USEPA has delegated its NPDES permitting authority to the California State Water Resources Control Board (CSWRCB). The CSWRCB issues and enforces NPDES MS4 Permits through its nine California Regional Water Quality Control Boards (CRWQCB).

The Riverside County Flood Control and Water Conservation District (District) service area encompasses portions of three major watersheds (drainage areas): the Santa Ana River, Santa Margarita River, and Whitewater River Watersheds. The discharge of stormwater from MS4s within each of these three watersheds is regulated pursuant to an NPDES MS4 Permit (NPDES Permit) administered by a separate CRWQCB. **The District must comply with the provisions of these NPDES Permits in order to legally operate and maintain its flood control and drainage system infrastructure.** The USEPA and the CRWQCBs can impose significant penalties for non-compliance. In addition, private citizens can pursue enforcement actions under the Federal CWA.

In the Santa Margarita Region (SMR), the District, along with the County of Riverside (County) and the City of Temecula (Co-Permittees), obtained an "early"<sup>1</sup> NPDES Permit from the CRWQCB - San Diego Region (Regional Board) on June 16, 1990 (first-term SMR Permit). The Regional Board added the then newly incorporated City of Murrieta as a Co-Permittee to the Permit on May 18, 1992. This first-term SMR NPDES Permit was considered a "Developmental Permit". The Co-Permittees were authorized to continue discharging stormwater from their MS4s while developing various elements of an area-wide stormwater management program. The Permit identified the District as Principal Permittee, and the County and Cities of Temecula and Murrieta as Co-Permittees (collectively, the Principal Permittee and Co-Permittees comprise the Riverside County Permittees). The area-wide stormwater management program was documented in the 1993 Drainage Area Management Plan (1993 DAMP).

Although the first-term SMR Permit "expired" on June 16, 1995, its provisions remained in effect in accordance with the applicable provisions of the NPDES Permit Program regulations until the Regional Board adopted a second-term SMR NPDES Permit (Board Order No. 98-02) on May 13, 1998. However, USEPA Region IX raised an objection to specific language that was included in Board Order No. 98-02 at the direction of the SWRCB. Region IX subsequently took action to issue its own NPDES Permit (CAS0108766) in accordance with the Memorandum of Agreement between Region IX and the SWRCB and the Phase I NPDES MS4 regulations at 40 CFR123.44 (h). On June 25, 1999, Region IX "returned" the NPDES Permit which it had issued to the Regional Board for implementation. On November 8, 2000, the Regional Board issued Addendum No. 1 to Board Order No. 98-02, which incorporated, by reference, the USEPA NPDES Permit into their Board Order.

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<sup>1</sup> The term "early" is used to indicate permits that were issued prior to the promulgation of the final USEPA rules for permitting municipal stormwater discharges [40CFR122.26, November 1990].

In general, both Board Order No. 98-02 and the USEPA NPDES Permit validated the Riverside County Co-Permittees' overall stormwater management efforts by incorporating the major elements of the 1993 DAMP and other stormwater management program elements that the Co-Permittees had subsequently developed. However, both Board Order No. 98-02 and the USEPA NPDES Permit imposed additional programs and activities that the Riverside County Co-Permittees were required to implement in accordance with specified time schedules in order to achieve compliance with Board Order No. 98-02, the USEPA NPDES Permit, and the CWA. Board Order No. 98-02 expired on November 30, 2003. The Riverside County Co-Permittees submitted a Report of Waste Discharge (ROWD) to the Regional Board on May 30, 2003, requesting renewal of the SMR Permit. On June 14, 2004, the Regional Board adopted Board Order No. R9-2004-001, the third-term SMR Permit.

The third-term SMR Permit required several additional or expanded program elements, such as strict control on new developments, expanded construction, industrial and commercial inspection programs, and a new emphasis on water quality monitoring and program effectiveness evaluations. Compliance programs were developed or expanded to address the third-term SMR Permit between June 2004 and June 2005.

The Riverside County Co-Permittees submitted a ROWD to the Regional Board on January 15, 2009, as an application for the reissuance of the SMR Permit by the Regional Board. The Regional Board responded to the ROWD and permit renewal process on February 18, 2010. The District and Riverside County Co-Permittees worked with the Regional Board to develop the fourth-term SMR Permit which was adopted on November 10, 2010 (2010 Permit) and included the newly incorporated City of Wildomar as a Co-Permittee.

From 2012 to 2015, although regulated under the 2010 Permit at the time, the Riverside County Co-Permittees coordinated with the San Diego County and South Orange County Permittees in responding to Regional Board staff proposals in their development of a Regional NPDES Permit (Regional MS4 Permit). The Regional MS4 Permit required a paradigm shift from traditional jurisdiction-based Permit requirements to watershed-based, outcome-oriented requirements. The Regional MS4 Permit was adopted in May 2013; in May 2015, the Riverside County Co-Permittees submitted a ROWD requesting renewal of the SMR Permit. The Regional MS4 Permit regulates Co-Permittees within San Diego and Orange Counties, and as of November 18, 2015, now regulates the Riverside County Co-Permittees. The Regional MS4 Permit expired on June 27, 2018 but has been administratively extended until it is reissued. On December 27, 2017, the Riverside County Co-Permittees submitted a ROWD as an application for the re-issuance of the SMR Permit. The Regional Board initiated the process to reissue the Regional MS4 Permit with a meeting on March 9, 2023 and expects to conduct additional meetings and develop a staff working proposal for the new permit in 2023 and likely in 2024.

Since issuance of the first-term SMR Permit in 1990, the Riverside County Co-Permittees' Stormwater Management Program has been guided by the following principles:

1. Utilize existing Co-Permittee departments/programs to meet NPDES Permit requirements whenever possible.
2. Minimize duplication of effort through coordinated Co-Permittee compliance actions.
3. When necessary, develop new or expanded stormwater management programs that are both cost effective and acceptable to the public.

The Santa Margarita Watershed Benefit Assessment Area (SMWBAA) was established pursuant to District Ordinance No. 14 on May 14, 1991 (see Appendix B). The SMWBAA was formed to offset the District's program and administrative costs associated with the development, implementation, and management of identified stormwater management activities required by the federally mandated NPDES Permit Program. **The District must continue to develop and implement these stormwater management activities in order to legally operate and maintain its flood control and drainage facilities.** A map showing the boundaries of the SMWBAA is attached hereto as Appendix C.

As Principal Watershed Co-Permittee under the Regional MS4 Permit, the District serves as liaison to the Regional Board on general Permit issues and is required to coordinate MS4 Permit activities and facilitate collaboration on development and implementation of programs required by the MS4 Permit.<sup>2</sup> As such, the costs of the District's various NPDES Permit compliance activities fluctuate from year to year. Although some expenses do not change significantly on a yearly basis, certain costs are cyclical (e.g., preparing ROWDs and negotiating NPDES permit provisions), while expenses associated with collecting water samples and conducting laboratory analyses may vary according to the amount of rainfall occurring in a given year or in response to certain information requests from the Regional Board. Costs associated with the development, production, and distribution of public education materials are not always incurred on a Fiscal Year basis (FY). Occasionally, additional consultants and/or legal services may be needed to assist the District with the development of a particular Permit requirement or program activity. Also, certain activities or programs may be expanded or curtailed from time to time and, occasionally, new programs or activities must be developed and implemented.

Currently, the regulation and management of stormwater runoff is a topic of increasing interest amongst the public, municipalities, regulatory authorities, and legislators. Although new laws and/or regulations could result in changes to the assessment rate in future years, **the proposed assessment rate for Fiscal Year 2023-24 is equal to or less than the assessment rate that was enrolled and levied since Fiscal Year 1996-97.**

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<sup>2</sup> Section G, Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100

**APPORTIONMENT METHODOLOGY**

SMWBAA assessments are apportioned based on the proportionate stormwater runoff generated by each parcel. This method of assessment is consistent with state law and District Ordinance No. 14. The amount of benefit is computed based upon parcel size and use classification. A single-family residential structure on a 7,200 square foot is defined as one benefit assessment unit (BAU). The BAUs for other types of land use are calculated in proportion to the amount of runoff generated by a single-family residence on a 7,200 square foot lot.

In comparison with a typical single-family residence, industrial and commercial properties typically generate more stormwater runoff and higher pollutant loads on a per acre basis. Thus, industrial/commercial parcels are assessed at a higher rate per acre than residential parcels. Because agricultural discharges are currently exempt under the NPDES Permit regulations, parcels within the SMWBAA that are used for agricultural purposes are exempt from the assessment. Vacant, undeveloped parcels are not assessed because they are considered to generate no increase in pollutant loading. Additionally, certain large undeveloped tracts of land such as federal or state-owned forest are excluded from the SMWBAA. A more detailed discussion of the apportionment methodology is presented in Appendix B.

**CURRENT YEAR ASSESSMENTS (FY 2022-23)**

In July 2022, the District's Board of Supervisors confirmed a benefit assessment rate for FY 2022-23 of \$4.00 per BAU. Following is a summary of FY 2022-23 assessments:

<b>Rate</b>	<b>Billed Parcels</b>	<b>BAUs</b>	<b>Assessments</b>	<b>Corrections</b>	<b>Amount Paid<sup>(2)(3)</sup></b>
\$4.00	93,673	146,998	\$587,612 <sup>(1)</sup>	\$0	\$534,740

- (1) Amount reflects actual total assessments on all parcels. Total may vary due to rounding.
- (2) Through May 24, 2023, provided by the County of Riverside Auditor-Controller.
- (3) Includes payments received for direct billed parcels.

Property owners may request a review of their assessment(s) by contacting the District. District staff considers each request by reviewing information such as assessor's parcel maps, aerial photographs, and, when necessary, conducting site visits. The Auditor-Controller is notified of any needed corrections and a new tax bill is issued or, in cases where the assessment has been paid, a refund is made. Last year, there were no corrections processed.

**RECOMMENDED BENEFIT ASSESSMENT RATES (FY 2023-24)**

The District recommends that for FY 2023-24, the SMWBAA assessment rate remain unchanged at \$4.00 per BAU. This BAU rate would result in an equivalent charge per acre for the following land uses:

Group	Land Use Classification	BAU/Acre	Assessment Rate*
A	Commercial, Industrial	12	\$48.00/acre
B	Apartments/Mobile Home Parks, Churches and Schools	9	\$36.00/acre
C	Single-family Residential	6**	\$24.00/acre
D	Agricultural/Vacant Undeveloped	Exempt	\$0.00/acre
E	Golf Courses	0.10	\$0.40/acre
F	Undeveloped Portions of Parcels	0.05	\$0.20/acre

\* Refer to Appendix B for a detailed discussion of the Benefit Assessment methodology.

\*\* One BAU per single-family residence, assuming six equally sized residential parcels per acre.

The projected revenue for FY 2023-24, using the proposed benefit assessment rate of \$4.00 per BAU is as follows:

Rate	Parcels <sup>(1)</sup>	BAUs	Assessment <sup>(1)(2)</sup>	Projected Revenue <sup>(3)</sup>
\$4.00	93,673	146,998	\$587,612	\$

<sup>(1)</sup> Based on FY 2022-23 Assessor's information.

<sup>(2)</sup> Totals may vary due to rounding.

<sup>(3)</sup> Assumes a 5.0% delinquency rate.

The projected revenue along with any remaining portion of the ending fund balance from FY 2022-23 will fund the District's NPDES Stormwater Management Program activities for the Santa Margarita Watershed area in FY 2023-24. The proposed FY 2023-24 budget is presented in Appendix A.

During the early years of the NPDES Program, there were many uncertainties regarding startup costs (consultant costs, amount of sampling that would be required, overall program scope, etc.) since the program was new for both the regulatory authorities and the Permittees. Consequently, the initial assessment rates were set conservatively to ensure that all permit obligations could be met. To date, the District has been able to maintain a modest fund balance since the benefit assessments were first levied in FY 1991-92. The District is reducing the fund balance by maintaining the current assessment rate while sustaining expenditure levels that are slightly above projected revenues. As a result of increasingly stringent regulations of municipal stormwater runoff in California, continued full implementation and anticipated reissuance of the Regional MS4 Permit, and with continued technical and monitoring work required to support the TMDL

Alternative work for the Santa Margarita River and Estuary<sup>3</sup>, it is expected that the District's NPDES Permit compliance costs will increase significantly in FY 2023-24 and in the coming years.

### **ASSESSMENT ROLL**

The SMWBAA Assessment Roll provides a listing by Assessor's Parcel Number of the proposed FY 2023-24 Benefit Assessment to be levied on each parcel of property in the SMWBAA. The Assessment Roll is identified as Appendix D and incorporated herein by this reference. This Engineer's Report along with the SMWBAA Assessment Roll will be placed at the following locations for review by the public:

Clerk of the Board of Supervisors  
4080 Lemon Street, 1<sup>st</sup> floor  
Riverside, CA 92501

Riverside County Flood Control  
and Water Conservation District  
1995 Market Street  
Riverside, CA 92501

City of Murrieta  
1 Town Square  
Murrieta, CA 92562

City of Temecula  
41000 Main Street  
Temecula, CA 92590

**The Engineer's Report may also be viewed or downloaded at  
<http://content.rcflood.org/NPDES/SantaMargaritaWS.aspx>**

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<sup>3</sup> The Regional Board has renamed these programs as "Nutrient Water Quality Restoration Plans" for the Estuary and River, rather than "TMDL Alternatives." See:  
[https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/tmdls/santa\\_margarita\\_river\\_estuary.html](https://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/santa_margarita_river_estuary.html)

**NPDES PROGRAM HIGHLIGHTS (FY 2022-23)**

The following tasks were accomplished or are ongoing for the year ending June 30, 2023, in compliance with the Regional MS4 Permit:

- A. Pursuant to Provision B of the Regional MS4 Permit, the Riverside County Co-Permittees developed and implement the SMR Water Quality Improvement Plan (WQIP). The WQIP is a watershed-based plan that addresses the entire SMR Watershed Management Area (SMR WMA), including land-use areas and facilities within the jurisdiction of the Riverside County Co-Permittees, a portion of the City of Menifee, and a portion of the County of San Diego, in which Co-Permittees must assess all watershed streams and known pollutant sources, prioritize water quality issues, and then set forth an adaptive management process to implement strategies to address the highest priority water quality issues. The WQIP was developed through a transparent process involving extensive collaboration with watershed stakeholders and the public. The Regional Board accepted the WQIP on November 27, 2018.

Pursuant to Provision B of the Regional MS4 Permit, the Riverside County Co-Permittees elected to perform the optional Watershed Management Area Analysis (WMAA). The WMAA is a watershed-scale analysis that identifies important characteristics, such as hydrologic processes categories and stream descriptions. The WMAA identifies candidate projects with the potential to provide offsite alternative compliance options. The WMAA evaluated three selected large stream reaches to determine whether they were currently experiencing impacts from hydromodification or were likely to experience such impacts in a future "full buildout" condition. The WMAA recommends hydromodification exemptions for two large streams (Murrieta Creek and the Santa Margarita River) and provides quantitative data and analyses to support the exemptions. Additional WMAA analyses were conducted in May and June 2018, and a revised version of the WMAA document was submitted with the WQIP in October 2018.

- B. The District submitted a WQIP Update on January 31, 2021, to incorporate the requirements of Investigative Order R9-2019-0007 (see Paragraph D, below), and submitted revisions to the January 2021 WQIP Update to the Regional Board concurrently with the WQIP Annual Report in January 2022. The revisions to the WQIP Update were required in response to comments from the Regional Board as outlined in the 2019-2020 WQIP Annual Report Review Letter received April 30, 2021. To address the comments from the Regional Board, the Co-Permittees proposed three new strategies and several enhancements to existing strategies and proposed a new interim progress goal to reduce controllable dry weather flows in selected drainage areas by 10% by 2023.
- C. The District continued coordinating the work of the Santa Margarita River Nutrient Initiative Group (SMRNIG); District coordination began in October 2018. The District coordinates and provides facilitation services for quarterly and as-needed meetings of the SMRNIG's Stakeholder Advisory Group. This coordination had been provided by the County of San Diego from 2014 – 2018. The Regional Board, in conjunction with the USEPA and local stakeholders including the local agencies in the Santa Margarita River Watershed, formed the SMRNIG to investigate the conditions, sources of pollutants, loading capacity, and existing control requirements affecting the eutrophic conditions in the watershed. Several long-term water quality monitoring projects have been implemented, and modeling of the Santa Margarita Estuary, River Mainstem, and watershed have been performed. The information is currently being used to develop a TMDL Alternative to address the pollutants

and conditions affecting eutrophication within the estuary and the river. From 2012-18, the SMRNIG was funded largely through the Integrated Regional Water Management (IRWM) process and a Proposition 84 grant from the State of California with matching funding and in-kind services by the District, the County of San Diego, and U.S. Marine Corps (USMC) Base Camp Pendleton. The current technical work, which began in early 2019, has been funded largely by the Regional Board. However, the District, in coordination with the Riverside County Co-Permittees, is providing review of the technical work, supporting a related modeling project to determine nutrient loading and water quality conditions under a natural condition, and providing administrative support. The technical work and the final technical report were completed in early 2022.

- D. On May 9, 2019, the Regional Board issued Investigative Order No. R9-2019-0007: An Order Directing the Cities of Murrieta, Temecula, and Wildomar, the Counties of San Diego and Riverside, the Riverside Flood Control and Water Conservation District, and the United States Marine Corps Base Camp Pendleton to Design and Implement a Water Quality Improvement Monitoring and Assessment Program for Eutrophic Conditions in the Santa Margarita River Estuary and Watershed. Order R9-2019-0007 required these seven named agencies to develop a Monitoring and Assessment Workplan and submit the Workplan to the Regional Board for approval within six months. The Workplan was developed in coordination with the seven agencies and with review by the SMRNIG. The final Workplan was approved by the Regional Board on January 30, 2020. The required monitoring activities for the SMR Estuary are being funded jointly by the seven named agencies under a Memorandum of Understanding (MOU). Additional monitoring required at three sites on the Santa Margarita River are being conducted independently by the County of San Diego, the USMC Base Camp Pendleton, and by the District. Monitoring began in May of 2020 and will continue through 2023.
- E. The Co-Permittees updated the BMP Design Manual (BMPDM) and the Water Quality Management Plan (WQMP), which became effective July 5, 2018. The Co-Permittees are currently implementing the updated BMPDM and WQMP per the Regional MS4 Permit. The Co-Permittees continued discussions for a streamlined WQMP and template for smaller development projects, such as single-family residences and small infill commercial sites.
- F. The SMR Hydromodification Management Plan (HMP) was developed by the Riverside County Co-Permittees in response to Provision F.1.h of the 2010 Permit to manage increases in runoff discharge rates and durations from Priority Development Projects (PDPs). Hydrologic and sediment supply performance standards that will support maintenance of geomorphic stability in channels receiving runoff from PDPs were developed in this process. The HMP requirements for PDPs have been incorporated into the BMPDM and WQMP, which now supersede the HMP. The HMP is now a historical program document.
- G. The District continued implementation of the SMR Hydrology Model (SMRHM). The SMRHM became effective on July 11, 2014. The SMRHM is a tool that provides continuous simulation of peak flow runoff rates, from 10% of the 2-year runoff event up to the 10-year runoff event for PDPs. The software is a Hydrologic Simulation Program FORTTRAN (HSPF) model that allows users to demonstrate compliance with the HMP performance standards through an interactive graphic user interface.
- H. The District conducted hydromodification monitoring within the SMR as specified in the SMR HMP Monitoring Plan from 2016 - 2019. The plan requires monitoring and assessing



two streams in the SMR over time; data gathered will be used in conjunction with monitoring efforts required under the Regional MS4 Permit and will also be provided to several watershed stakeholders for use in special studies and/or stream restoration projects. This monitoring was completed in 2019 and a final HMP Monitoring Report was submitted to the Regional Board in January 2020. Hydromodification monitoring was also conducted at the two Long-Term Receiving water stations in Spring 2021 in accordance with the WQIP schedule for year 3 of implementation. Due to lack of wet weather flow for sampling, and as encouraged by the Regional Board, the Long-Term Receiving water station for the upper watershed was moved from Wilson Creek to upper Temecula Creek; therefore, another Hydromodification monitoring event is anticipated for Spring 2023.

- I. The District developed and submitted a completed test claim on the 2010 MS4 Permit, pursuant to request from the Commission on State Mandates. In light of a recent Supreme Court ruling, the Commission agreed to review the original test claim filed by the SMR Co-Permittees in 2011 regarding costs incurred for 2010 MS4 Permit provisions which may be eligible for reimbursement from the state. The completed test claim was submitted to the Commission on April 28, 2017; hearing dates continue to be delayed due to ongoing legal challenges regarding other test claims in the state. On March 13, 2023, the Commission issued a Draft Proposed Decision on the test claim, which included a partial granting of subvention of state funds for specified permit requirements. Claimants' attorneys requested a time extension and comments could be filed until May 19, 2023, with the test claim currently scheduled for a hearing by the Commission on July 28, 2023.
- J. The District developed and submitted a completed test claim on the Regional MS4 Permit with the Commission on State Mandates. The test claim was submitted on June 30, 2017; hearing dates continue to be delayed, but it is currently scheduled for a hearing by the Commission on September 22, 2023.
- K. The District continued identifying and tracking impending draft policies and proposed legislation to inform regulators, policy makers, and the Co-Permittees of potential impacts to the Permit program or to any of its specific components.
- L. The District continued partnership and support in the Upper Santa Margarita Watershed Integrated Regional Watershed Management Group (USMWIRWMG). The Regional Watershed Management Group (RWMG) involves multiple agencies, stakeholders, individuals, and groups, and collaborates to apply for Propositions 1 and 84 grant funding through the Upper Santa Margarita Watershed Integrated Regional Watershed Management Plan (IRWMP) for planning projects within the SMR that would additionally help provide funding for compliance activities required by the Regional MS4 Permit.
- M. In 2019, the District prepared a Storm Water Resources Plan (SWRP) for the Upper Santa Margarita River Watershed (USMRW). The 2019 USMRW SWRP is an integrated plan that focuses on regional watershed-based stormwater priorities and on developing projects with multiple benefits in the Riverside County portion of the SMRWMA. The purpose of the SWRP is to guide development, facilitate implementation, and improve funding eligibility of stormwater projects that will provide benefits such as improved water quality, augmented water supply, and reduced flood risk. The SWRP also acts as a vehicle for agency collaboration to allow development of regional stormwater and dry weather runoff solutions. The SWRP was developed out of previous cooperative water management planning efforts in the Planning Area, which is also covered by the SMR WQIP. The SWRP works closely

with the WQIP as well as the USMRW IRWMP. In December 2019, the SWRP was submitted for approval to the SWRCB. In January 2021, the SWRCB provided a letter of concurrence that approved the SWRP. The SWRP was also submitted to Rancho California Water District for inclusion in the USMRW IRWM.

- N. The District continued to chair the Santa Margarita Permit Technical Advisory Committee comprised of Riverside County and San Diego Co-Permittees and Regional Board staff. The Riverside County Co-Permittees coordinate their urban runoff management activities to work toward achieving the greatest protection of receiving water quality. This committee serves as a forum to effectively disseminate information, discuss regional and statewide program issues, and plan and coordinate Co-Permittee actions to achieve compliance with the Regional MS4 Permit.
- O. The District continued contributing financial support to area-wide stormwater pollution prevention programs, such as the Household Hazardous Waste (HHW) temporary and permanent collection events and the "ABOP" (Anti-freeze, Batteries, Oil, and Paint) Program. These programs are provided through a Memorandum of Understanding and financial contributions to the Riverside County Department of Waste Resources.
- P. The District prepared the comprehensive 2021-22 WQIP Annual Report, which was submitted via posting to the Regional Clearinghouse website as directed by the Regional Board. The WQIP Annual Report was posted to the website on January 31, 2023. The WQIP Annual Report included extensive information provided in response to Regional Board reviews of WQIP Annual Reports for all the Watershed Management Areas in the San Diego Region.
- Q. The District continues to review and update the Low Impact Development (LID) BMP Design Manual, which is focused on landscape based BMPs and infiltration BMPs capable of addressing identified water quality impairments in the Santa Margarita Watershed. The LID BMP Design Manual is available on the District's website.
- R. The District continued collection and analysis of water quality samples in accordance with the Regional MS4 Permit's WQIP Monitoring and Assessment Program requirements. Dry weather field screening is conducted at MS4 outfalls and water quality samples collected during wet and dry weather at MS4 outfalls are analyzed for required constituents. Water quality samples will continue to be collected at receiving water stations and analyzed for required constituents in accordance with the program schedule under the WQIP.
- S. The WQIP includes a Water Quality Monitoring and Assessment Program (MAP), which incorporates the requirements specified in the Regional MS4 Permit. The WQIP as accepted by the Regional Board replaces the prior monitoring plan previously referenced within Volume III of the District's Consolidated Monitoring Program (CMP). The CMP now serves as a historical reference document. The Quality Assurance Project Plan (QAPP) (Volume II) of the CMP has been incorporated into the MAP and specifies the general methods, procedures, quality assurance, and quality control requirements as relevant to the Riverside County MS4 Permits' monitoring requirements.
- T. The District continued participation in the Stormwater Monitoring Coalition (SMC), a regional monitoring group comprised of Southern California Phase 1 Municipal NPDES Permit holders and local Water Board representatives whose focus is developing effective

and meaningful stormwater quality monitoring techniques. The goal of the SMC is to develop the technical information necessary to better understand stormwater mechanisms and impacts, and then develop the tools that will effectively and efficiently improve stormwater decision-making. The SMC develops and funds cooperative projects to improve the knowledge of stormwater quality management and reports on the progress of those projects on an annual basis (<http://socalsmc.org/>). To date, the coalition has funded more than 30 research projects valued at \$18 million, underscoring the value of collaborative research. The current master agreement was signed in October 2019 and spans five years. Under this agreement, the SMC executive steering committee developed a forward-looking research agenda to guide the SMC's priorities and directions through 2024. To date, the District has served as SMC Chair, Vice-chair, as the Project Manager for the SMC's Streamline Annual Reporting Project, on the Executive Steering Committee, on the Regional Bioassessment Survey Technical Subcommittee, on the SMC California LID Evaluation and Analysis Network Technical Subcommittee, on the Special Study Technical Workgroup for Developing a Framework for Improving Biological Condition In Modified Streams, and the SMC Regional BMP Monitoring Network Technical Subcommittee. Additionally, the District has conducted monitoring to help pilot the SMC's Special Study for Quantifying Human Fecal Sources in Wet Weather.

- U. The District continued coordination with the SMC for participation in the southern California bioassessment monitoring program. This monitoring program was created in response to the need for a more holistic and coordinated approach for gathering information about the health of streams in southern California both for compliance purposes and data-sharing purposes as streams are an important natural resource. The study was designed to answer questions essential to watershed management. Answering these questions at the regional scale provides resource managers with the ability to contextualize their programs and improve understanding of the effectiveness of management actions, prioritization of streams most in need of protection, and identification of stressors that are likely to pose the greatest risk to stream health. Based on the findings and lessons learned from the decade of regional monitoring efforts, a revised 5-year study design was developed for 2019-2024. Moving forward, the SMC has initiated the next cycle of regional monitoring which will continue to assess trends and condition sites and will also expand to include wet-dry mapping of areas within the southern California watersheds, a possible causal assessment, and monitoring of targeted underrepresented streams in the regional bioassessment program. Two SMC monitoring stations have been monitored during the 2022-2023 monitoring year in the SMR. At least two SMC monitoring stations will be monitored during the 2023-2024 monitoring year in the SMR. The long-term receiving water station at the Upper Santa Margarita River, identified in the WQIP as representative of the SMR, was monitored in spring of 2022. A second, new long-term receiving water station in the Upper Temecula Creek will be the focus of monitoring in Spring 2023.
  
- V. The District continued to participate in the California Stormwater Quality Association (CASQA) on behalf of the Permittees. CASQA is a professional member association dedicated to the advancement of stormwater quality management through collaboration, education, implementation guidance, regulatory review, and scientific assessment. CASQA assists California's stormwater Permittees in developing, implementing, and maintaining effective stormwater quality management programs. To date, District staff have served on the CASQA Board of Directors, on the Executive Program Committee, as Legislative Subcommittee Co-Chair, Monitoring and Science Subcommittee Co-Chair, Policy and

Permitting Subcommittee Co-Chair, BMP Effectiveness Subcommittee Co-Chair, True Source Control Subcommittee, and as a member of the BMP Effectiveness Subcommittee.

- W. The District continued participation in the CASQA True Source Control Subcommittee. Since 2021, this working group was developed from the combined Watershed Management & Impaired Waters Subcommittee and the Pesticides Subcommittee. One of the focused efforts of the True Source Subcommittee is to facilitate changes to state and federal pesticide regulations that could potentially improve processes for evaluating the environmental impacts of new pesticides on receiving waters. It is also focused on changing labeling and use requirements for existing pesticides. This subcommittee has collaborated with the Water Boards in a coordinated statewide effort, referred to as the Urban Pesticides Pollution Prevention Partnership. The goal is to address the impacts of pesticides efficiently and proactively through the statutory authority of the Department of Pesticide Regulation and EPA's Office of Pesticide.
- X. The District continued providing semi-annual municipal employee stormwater training. These training classes focus on the requisite knowledge for properly implementing the requirements outlined in the Jurisdictional Runoff Management Program (JRMP) Plan and WQMP. The training classes also address Permittee functions such as development planning, municipal activities, industrial/commercial inspections, and construction inspections. In previous years all such training was conducted through in-person training events. However, in 2020 the District began implementation of an online training program to allow for a more cost effective and convenient training platform for Co-Permittees. Selected trainings are also being conducted in-person.
- Y. The District continued providing stormwater pollution prevention education and outreach by supporting area-wide events such as Love Your Neighborhood program and distributing BMP brochures addressing pollution prevention, recycling, proper disposal of household hazardous waste, runoff from construction activities, pet care, swimming pool discharges, jacuzzi and garden fountain maintenance, septic tank upkeep, professional mobile services, landscape and gardening activities, over-irrigation tips, the "Do's and Don'ts" of outdoor cleaning, and proper housekeeping practices for automotive facilities, restaurants, and industrial/commercial facilities.
- Z. The Riverside County Watershed Protection website (<http://rcwatershed.org>) underwent a major revision in 2021 to make it a "one-stop, one shop" website that contains public education materials as well as compliance documents and any other information relevant to Permittees, development community, regulatory agencies, and the public.
- AA. The District continues to update the District's NPDES website to meet the Regional MS4 Permit requirements for the "Regional Clearinghouse". The Regional MS4 Permit requires all program documents and supporting documents to be accessible online. The website has been updated to provide links to all required documents and to link to the relevant section of the San Diego County NPDES website for the SMR Watershed Management Area.
- BB. In March 2020, the Governor and the County of Riverside Public Health Officer declared a health emergency due to the COVID-19 pandemic and issued several orders which included behavioral restrictions for the entire population, such as prohibiting gatherings of any size and following social distancing protocols. In April 2020, the District notified the Regional Board, as required, to identify specific MS4 Implementation activities that were impacted by

COVID-19 restrictions. These restrictions resulted in postponement of in-person public outreach activities, transition to virtual meetings, and widespread telecommuting for District and Co-Permittee staff. In addition, new protocols were implemented for some monitoring activities to allow social distancing practices. In early 2023 the California COVID-19 Pandemic State of Emergency was terminated by the Governor and District activities were modified accordingly, although virtual meetings will continue for many projects due to their efficiency.

### **PROGRAM/WORK ITEMS (FY 2023-24)**

The Regional Board enrolled the Riverside County Co-Permittees into the Regional MS4 Permit on November 18, 2015; the Permit became effective for the Co-Permittees on January 7, 2016. Upon the Regional MS4 Permit's effective date, a two-year timeline began in which the SMR WMA WQIP must be developed and submitted for Regional Board approval; additionally, the JRMP Plan and BMPDM were all required to be updated and submitted. Each of these Regional MS4 Permit compliance documents required significant public and stakeholder participation, review and comment, and extensive coordination with other WMA entities including the Riverside County Co-Permittees, County of San Diego, and City of Menifee. Implementation of the WQIP continues to have significant impacts on Co-Permittee resources.

The following program activities will be emphasized for the coming year:

#### **NPDES Permit Compliance Document Development Submittal**

Pursuant to the Regional MS4 Permit, the Co-Permittees in the SMR WMA (Riverside County Co-Permittees, County of San Diego) and the City of Menifee have designated the District to be the Principal Watershed Co-Permittee for the SMR WMA; this means that in addition to assuring its own compliance with the Regional MS4 Permit, the District is also responsible for serving as liaison between the SMR WMA Co-Permittees and the Regional Board, and facilitating development and coordinating submittal of the primary Permit compliance documents for the WMA.

Regional MS4 Permit compliance reports which will be developed and submitted, including dates for submittal to the Regional Board are as follows:

- WQIP Annual Reports: due annually by January 31<sup>st</sup> after the WQIP has been accepted by the Regional Board.

The District and the Co-Permittees will continue to implement the WQIP and the JRMP requirements. The District will also review and update the WQIP, the WMAA, the JRMP template, and the BMP Design Manual as needed. Costs to coordinate and develop the above stated plans and reports have been significant; the District's share of the cost for developing these compliance documents include SMWBAA funds.

#### **Renewal of the Regional MS4 Permit**

The District (in coordination with the Co-Permittees, the County of San Diego, and the County of Orange) submitted the ROWD as application for a renewed Regional MS4 Permit on December 27, 2017. The process to renew the Regional MS4 Permit began in FY 2022-23. The District will lead the renewal activities on behalf of the Co-Permittees, including stakeholder coordination meetings and document development, review, and revision.

#### **SMR WMA WQIP Implementation**

The WQIP addresses water quality issues within the SMR WMA in a systematic fashion which is prescribed by the Regional MS4 Permit. The WQIP includes a complete assessment of watershed streams and outfalls, pollutant sources, extensive mapping, assessment of pollutant loads, and development of strategies for addressing the SMR WMA's identified highest priority water quality issues. The WQIP also includes a monitoring program and an adaptive management process. The WQIP serves as the cornerstone Regional MS4 Permit compliance document going forward into subsequent MS4 Permit terms. As described in paragraph "B" above, the WQIP was updated in 2020 to incorporate the requirements of Order No. R9-2019-0007, and the WQIP update was

revised in 2021 to address comments from the Regional Board. The District will coordinate to ensure full implementation of water quality improvement strategies identified in the WQIP.

The WQIP Target Area Program was developed in response to San Diego Water Board comments in their 2020-2021 WQIP Annual Report review letter. The District and Copermittees selected specific strategies, interim goals, and metrics to demonstrate progress toward WQIP goals for the assessment period ending in 2023. Strategies implemented in the priority outfall drainage areas include new and enhanced outreach to residents and businesses intended to change behaviors to reduce application of fertilizers and eliminate or reduce dry weather discharges from landscaping or other residential activities. New strategies are also being implemented to enhance the effectiveness of IDDE investigations, and to monitor flow from selected priority outfalls to determine flow patterns and evaluate effectiveness of outreach and IDDE investigations in reducing dry weather flows at the outfalls.

### **Individual JRMPs**

The District will continue to implement a JRMP that describes its specific runoff management programs and activities. Additionally, each Co-Permittee must update its respective JRMP Plans to reflect the requirements of the Regional MS4 Permit. As Principal Co-Permittee, the District prepared a JRMP template to assist Co-Permittees with preparation of their own jurisdiction-specific documents. Using the JRMP template as a guide, the Co-Permittees prepared and submitted updated JRMP Plans to the Regional Board on January 5, 2018 and are updating and adapting these programs as needed.

### **WQMP Implementation**

In accordance with 2010 Permit and Regional MS4 Permit requirements, the Riverside County Co-Permittees developed an HMP to manage increases in runoff discharge rates and durations from certain Priority Development Projects. The WQMP requires projects to have estimated post-project runoff discharge rates and durations that do not exceed pre-development discharge rates and durations. Modeling software, called the Santa Margarita Region Hydrology Model (SMRHM), was developed and finalized to perform the necessary calculations to estimate pre-development and post-project runoff discharge rates. Implementation of the WQMP and SMRHM will continue in FY 2023-24.

### **MS4 Program Management**

As Principal Watershed Co-Permittee, the District coordinates the efforts of the other WMA Co-Permittees and facilitates regional compliance with certain aspects of the Regional MS4 Permit on behalf of the Riverside and San Diego County Co-Permittees. This includes acting as liaison between Co-Permittees and the Regional Board, chairing regular meetings of the SMR WMA Technical Advisory Committee, administration of area-wide programs (e.g., public education and outreach, municipal employee training, household hazardous waste collection, hazardous material spill response, and stormwater sample collection and analysis), program development, and preparation and submittal of the Monitoring Annual Report to the Regional Board. The District will also continue its efforts on identifying and commenting on statewide issues that affect local stormwater programs.

Additionally, the District will continue to update and modify MS4 programs to address COVID-19 Riverside County Public Health Order(s) restrictions and maintain permit compliance.

**Area-Wide MS4 Programs**

The District will continue to provide financial support for several important "area-wide" BMP programs implemented on behalf of the Riverside County Co-Permittees. The programs currently include:

***Public Education***

The District provides for coordination and oversight of the area-wide NPDES public education and outreach efforts, including public events, school and adult education programs, printed brochures, and commercial mass-media campaigns. This includes continued development and distribution of focused educational outreach materials for specific industries and businesses such as restaurants, auto repair shops, outdoor cleaning businesses, and other commercial and industrial activities that are potential sources of stormwater pollution.

***Training for Municipal Employees***

Municipal training programs are provided to improve understanding of NPDES Permit requirements and stormwater BMPs. The classes focus on methods to reduce and/or eliminate sources of stormwater pollution from public agency facilities and activities, implementation of the WQMP and HMP, local stormwater ordinances, and Statewide NPDES Construction and Industrial General Permit requirements. Training is provided specifically for construction inspection staff, industrial/commercial facilities inspection staff, municipal facilities maintenance staff, and staff responsible for new development/redevelopment project review.

***Household Hazardous Waste Collection/ABOP***

The District and Riverside County Co-Permittees provide financial support to the County Department of Waste Resources to support ongoing permanent and mobile HHW collection events and operation of the "ABOP" (Antifreeze, Batteries, used motor Oil, and latex Paint) Program, all of which provide local residents with opportunities to properly dispose of HHW.

**Santa Margarita River and Estuary TMDL Alternative**

The District will coordinate the work of the SMRNIG and provide facilitation services for quarterly and as-needed meetings of the SMRNIG's Stakeholder Advisory Group. Currently, water quality monitoring and modeling of the Santa Margarita River mainstem. The information is currently being used to develop a TMDL Alternative<sup>4</sup>, including water quality targets and pollutant allocations to address the pollutants and conditions affecting eutrophication within the river. The current technical work, which began in early 2019, has been funded largely by the Regional Board. However, the District, in coordination with the Riverside County Co-Permittees, is providing review of the technical work, supporting a related modeling project to determine nutrient loading and water quality conditions under a natural condition, and providing administrative support. The technical work and the final technical report were completed in early 2022 and the Regional Board is preparing a Staff Report that will outline the regulatory approach to implement load allocations and monitoring for the river and estuary.

**Water Quality Monitoring**

On behalf of the Riverside County Co-Permittees, the District will conduct wet and dry weather sample collection from receiving water and outfall monitoring stations in accordance with the SMR WQIP.

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<sup>4</sup> The Regional Board is adopting new terminology for the TMDL Alternative projects and will now be using the term "Watershed Restoration Plan" in their documents.



The Riverside County Co-Permittees have also been participating in a study to develop Numeric Nutrient Endpoints for a Santa Margarita River Nutrient Total Maximum Daily Load (TMDL) alternative. The District and Co-Permittees developed a new monitoring program to assess pollutant loading and impacts to the SMR Estuary to comply with the Regional Board Investigative Order issued May 9, 2019. The District is collaborating with the County of San Diego and the USMC Camp Pendleton to conduct the required monitoring through October 2023.

As required by the Regional MS4 Permit, the Riverside County Co-Permittees conduct and implement Special Studies work plans that are intended to be in alignment with addressing the high priority water quality conditions in the SMR under the WQIP. The most recent Special Study is the MS4 Outfall Continuous Flow Monitoring Study conducted by the District on behalf of the Copermittees during the 2021-2022 monitoring year that was focused on the implementation of the WQIP Target Area Program. This program was developed to address over-irrigation as a source of dry weather flow from residential areas and consists of IDDE investigations and continuous flow monitoring at five priority outfalls in coordination with targeted public education materials for residents.

## CONCLUSIONS AND RECOMMENDATIONS

The area-wide Municipal Stormwater Program for the Santa Margarita Watershed has been implemented in an efficient, cost-effective manner through the ongoing cooperative efforts of the District, the Riverside County Co-Permittees, the Regional Board, the Riverside County Fire Department, and Riverside County Department of Waste Resources. The District's NPDES Program activities, which are funded by these SMWBAA assessments, are required to comply with the Regional MS4 Permit and enforceable provisions of the California Water Code and the Federal Clean Water Act, which regulate the discharge of stormwater from MS4s. These mandatory stormwater management program activities are an essential component of the District's continuing operation and maintenance of its critical public safety facilities; therefore, the following action is recommended:

**Levy a Flood Control Benefit Assessment in the Santa Margarita Watershed Benefit Assessment Area at an unchanged rate of \$4.00 per benefit assessment unit for FY 2023-24.**

## GLOSSARY

**ABOP** – Anti-freeze, Batteries, Oil, and Paint

**BAU** – Benefit Assessment Unit

**BMP** – Best Management Practice

**CASQA** – California Stormwater Quality Association

**CMP** – Consolidated Monitoring Program

**CRWQCB** – California Regional Water Quality Control Board

**CWA** – Clean Water Act

**District** – Riverside County Flood Control and Water Conservation District

**FY** – Fiscal Year

**HAZMAT Team** – Hazardous Materials Emergency Response Team

**HHW** – Household Hazardous Waste

**HMP** – Hydromodification Management Plan

**IRWMP** – Integrated Regional Watershed Management Plan

**JRMP** – Jurisdictional Runoff Management Program

**LID** – Low Impact Development

**MS4** – Municipal Separate Storm Sewer System

**MRP** – Monitoring and Reporting Program

**NPDES** – National Pollutant Discharge Elimination System

**Board Order No. R9-2004-001** – An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, or the Cities of Murrieta and Temecula.

**Board Order No. R9-2010-0016** – An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, or the Cities of Murrieta, Temecula and Wildomar.

**Board Order No. R9-2013-0001** – See Regional MS4 Permit

**Regional Board** – San Diego Regional Water Quality Control Board

**Regional MS4 Permit** – An Order of the California Regional Water Quality Control Board – San Diego Region to regulate stormwater discharges from municipal stormwater facilities owned or operated by the District, County of Riverside, Cities of Murrieta, Temecula or Wildomar, County of San Diego and all incorporated Cities, and County of Orange and named incorporated Cities.

**ROWD** – Report of Waste Discharge

**SA** – Santa Ana

**SAWPA** – Santa Ana Watershed Project Authority

**SMC** – Southern California Stormwater Monitoring Coalition

**SMR** – Santa Margarita River/Region

**SMRHM** – Santa Margarita Region Hydrology Model

**SMRNIG** – Santa Margarita River Nutrient Initiative Group

**SMWBAA** – Santa Margarita Watershed Benefit Assessment Area

**SWRCB** – California State Water Resources Control Board

**SWRP** – Stormwater Resource Plan

**SSMP** – Standard Stormwater Mitigation Plan; same as WQMP

**TMDL** – Total Maximum Daily Load

**USEPA** – United States Environmental Protection Agency

**USMWRWMG** – Upper Santa Margarita Watershed Integrated Regional Watershed Management Group

**WQMP** – Watershed Quality Management Plan; same as SSMP

**WQIP** – Water Quality Improvement Plan

**WQO** – Water Quality Objective

## **APPENDIX A**

### **Proposed NPDES Program Budget (FY 2023-24)**

**APPENDIX A****SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA  
PROPOSED NPDES PROGRAM BUDGET (FY 2023-24)****STAFFING**

Salaries, Overtime and Benefits	<b>\$910,658.00</b>
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**OVERHEAD**

Administration Support	50,320.00
Computer Workstation Usage	110,000.00
Bad Debt Expense	<u>1,000.00</u>
<b>Subtotal</b>	<b>\$161,320.00</b>

**CONSULTANT SERVICES**

NPDES Permit Administration	225,000.00
IDDE	140,000.00
Public Education & Outreach	118,230.00
Training Program	12,340.00
Water Quality Monitoring	710,000.00
TMDLs	284,038.00
District Permit Compliance	7,108.00
Dry Weather Outfall Field Screening	<u>50,000.00</u>
<b>Subtotal</b>	<b>\$1,546,716.00</b>

**OTHER MS4 PROGRAM EXPENSES**

NPDES Permit Administration: County Counsel/Vehicle Usage	45,000.00
Public Education & Outreach	27,850.00
Water Quality Monitoring	5,550.00
District Permit Compliance	<u>8,850.00</u>
<b>Subtotal</b>	<b>\$80,650.00</b>

**REGIONAL PROGRAMS AND MEMBERSHIPS**

NPDES Permit Administration: CASQA Membership	4,716.00
NPDES Permit Administration: HHW Program, SMC	<u>54,000.00</u>
<b>Subtotal</b>	<b>\$58,716.00</b>

**PROGRAM SUBTOTAL****\$2,764,660.00**

Contingency (10%)	276,466.00
Assessor's/Treasurer's Office Line-Item Charges (\$0.11/parcel) *	16,169.78
County Fee for Annual Submittal *	<u>87.23</u>

**TOTAL EXPENDITURES****\$3,057,383.01**

\* Based on County's FY 2022-23 collection charges. The County's FY 2023-24 collection charges are not yet available.

## **APPENDIX B**

### **RCFC&WCD Ordinance No. 14 (May 14, 1991)**

## **APPENDIX C**

### **Map of Santa Margarita Watershed Benefit Assessment Area**



## **APPENDIX D**

### **SMWBAA Assessment Roll (FY 2023-24) (Under Separate Cover)**

# THE PRESS-ENTERPRISE

KEEP YOUR EYES ON THE 'PRISE

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3512 14 Street  
Riverside, California 92501  
(951) 368-9229  
neller@scng.com

County of Riverside - Clerk of the Board  
PO Box 1147  
Riverside, California 92502

<i>Account Number:</i>	5209148
<i>Ad Order Number:</i>	0011609295
<i>Customer's Reference/PO Number:</i>	
<i>Publication:</i>	The Press-Enterprise
<i>Publication Dates:</i>	06/21/2023 and 06/28/2023
<i>Total Amount:</i>	\$2032.77
<i>Payment Amount:</i>	\$0.00
<i>Amount Due:</i>	\$2032.77
<i>Notice ID:</i>	qQ5G5uyrmmor6LOqKqWv
<i>Invoice Text:</i>	<p>NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, July 11, 2023 at 9:30 a.m., or as soon as possible thereafter, to consider the following: RESOLUTION NO. F2023-03 ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") STORMWATER PROGRAM WHEREAS, the California Regional Water Quality Control Board - San Diego Region, on behalf of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside and certain Cities within the Santa Margarita Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and WHEREAS, under existing state and federal regulations, the District must obtain and comply with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control and stormwater drainage</p>

County of Riverside - Clerk of the Board  
PO Box 1147  
Riverside, California 92502

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011609295

FILE NO. 0011609295

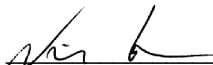
### PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**06/21/2023, 06/28/2023**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Date: June 28, 2023.  
At: Riverside, California

  
\_\_\_\_\_  
Signature

### NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, July 11, 2023 at 9:30 a.m.**, or as soon as possible thereafter, to consider the following:

#### RESOLUTION NO. F2023-03

#### ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") STORMWATER PROGRAM

**WHEREAS**, the California Regional Water Quality Control Board - San Diego Region, on behalf of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside and certain Cities within the Santa Margarita Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

**WHEREAS**, under existing state and federal regulations, the District must obtain and comply with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control and stormwater drainage facilities; and

**WHEREAS**, the NPDES Permit requires the District to develop, implement and manage specific compliance programs dealing with stormwater runoff that will benefit all property within the Santa Margarita Watershed that lies within the District's jurisdiction; and

**WHEREAS**, the District's Board of Supervisors ("Board") on May 14, 1991 adopted Resolution No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water Conservation District Act, which is Appendix 48 to the California Water Code ("District Act"), and pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("Benefit Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the Santa Margarita Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit Assessment ("Benefit Assessment") to pay the District's annual costs associated with the NPDES Permit; and

**WHEREAS**, the Benefit Assessments collected are principally used to finance capital costs and to maintain and operate the flood control system as required by the terms of said NPDES Permit and must be expended in the Benefit Assessment Area in which they are collected; and

**WHEREAS**, pursuant to Article IV of Ordinance No. 14, the General Manager/Chief Engineer of the District ("Chief Engineer") is to cause to be prepared annually a written report for each Benefit Assessment Area regarding the Benefit Assessment to be levied and to file said report ("Report") with the Clerk of the Board of Supervisors; and

**WHEREAS**, the Chief Engineer has caused a report to be prepared and filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied for the 2023-24 Fiscal Year for the Santa Margarita Watershed Benefit Assessment Area; and

**WHEREAS**, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a date, time and place for a public hearing on the Report; and

**WHEREAS**, the voters of California on November 5, 1996 approved Proposition No. 218 which added Article XIIID to the California Constitution ("Article XIIID") effective November 6, 1996; and

**WHEREAS**, with regard to an assessment in place as of November 6, 1996, Section 5(a) of Article XIIID provides in pertinent part that "...any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4 of Article XIIID until the assessment is increased.

**BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on the 13th day of June 2023 as follows:

Section 1. Each of the above recitals is true and correct.

Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the Board of Supervisors is accepted.

Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No. 14, in Fiscal Year 2023-24 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

Section 4. The public hearing on the Report is to be held at 9:30 a.m. or soon thereafter on Tuesday, July 11, 2023, in the meeting room of

the District's Board of Supervisors which is located at 4080 Lemon Street, 1st Floor, Riverside, California.

Section 5. The Chief Engineer is to cause copies of the Report to be placed at the following sites for review by the public:

Clerk of the Board  
County Administrative Center  
4080 Lemon Street, 1st Floor  
Riverside, California

Riverside County Flood Control  
and Water Conservation District  
1995 Market Street  
Riverside, California

City of Temecula  
41000 Main Street  
Temecula, California

City of Murrieta  
1 Town Square  
Murrieta, California

Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by the Chief Engineer to be published in The Press Enterprise once a week for two (2) successive weeks pursuant to the provisions of Section 6066 of the California Government Code. The Chief Engineer is to cause said notice to be posted in at least three (3) public places within the boundaries of the Santa Margarita Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

Section 7. This Resolution shall take effect upon its adoption.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rlvco.org](mailto:cob@rlvco.org)

Dated: June 16, 2023

Kimberly A. Rector, Clerk of the Board  
By: Cindy Fernandez,  
Clerk of the Board Assistant

**The Press-Enterprise**  
**Published: 6/21, 6/28/23**



PROOF OF PUBLICATION

STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST

RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof of the following issue dates, to wit:

06/21/2023, 06/28/2023

I acknowledge that I am a principal clerk of the printer of The Desert Sun, published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 28th of June 2023 in Green Bay, WI, County of Brown.

[Signature]
DECLARANT

Ad#:0005742642

P O : F2023-03

This is not an invoice

# of Affidavits: 2

2023 JUL 12 AM 10:29
RECEIVED FROM THE COUNTY CLERK/BOARD OF SUPERVISORS

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, July 11, 2023 at 9:30 a.m., or as soon as possible thereafter, to consider the following:

RESOLUTION NO. F2023-03
ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") STORMWATER PROGRAM

WHEREAS, the California Regional Water Quality Control Board - San Diego Region, on behalf of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside and certain Cities within the Santa Margarita Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and
WHEREAS, under existing state and federal regulations, the District must obtain and comply with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control and stormwater drainage facilities; and
WHEREAS, the NPDES Permit requires the District to develop, implement and manage specific compliance programs dealing with stormwater runoff that will benefit all property within the Santa Margarita Watershed that lies within the District's jurisdiction; and
WHEREAS, the District's Board of Supervisors ("Board") on May 14, 1991 adopted Resolution No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water Conservation District Act, which is Appendix 48 to the California Water Code ("District Act"), and pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("Benefit Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the Santa Margarita Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit Assessment ("Benefit Assessment") to pay the District's annual costs associated with the NPDES Permit; and
WHEREAS, the Benefit Assessments collected are principally used to finance capital costs and to maintain and operate the flood control system as required by the terms of said NPDES Permit and must be expended in the Benefit Assessment Area in which they are collected; and
WHEREAS, pursuant to Article IV of Ordinance No. 14, the General Manager/Chief Engineer of the District ("Chief Engineer") is to cause to be prepared annually a written report for each Benefit Assessment Area regarding the Benefit Assessment to be levied and to file said report ("Report") with the Clerk of the Board of Supervisors; and
WHEREAS, the Chief Engineer has caused a report to be prepared and filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied for the 2023-24 Fiscal Year for the Santa Margarita Watershed Benefit Assessment Area; and
WHEREAS, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a date, time and place for a public hearing on the Report; and
WHEREAS, the voters of California on November 5, 1996 approved Proposition No. 218 which added Article XIIIID to the California Constitution ("Article XIIIID") effective November 6, 1996; and
WHEREAS, with regard to an assessment in place as of November 6, 1996, Section 5(a) of Article XIIIID provides in pertinent part that "...any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4 of Article XIIIID until the assessment is increased.
BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on the 13th day of June 2023 as follows:
Section 1. Each of the above recitals is true and correct.
Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the Board of Supervisors is accepted.
Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance No. 14, in Fiscal Year 2023-24 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.
Section 4. The public hearing on the Report is to be held at 9:30 a.m. or soon thereafter on Tuesday, July 11, 2023, in the meeting room of the District's Board of Supervisors which is located at 4080 Lemon Street, 1st Floor, Riverside, California.
Section 5. The Chief Engineer is to cause copies of the Report to be placed at the following sites for review by the public:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF  
RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, July 11, 2023 at 9:30 a.m., or as soon as possible thereafter, to consider the following:

**RESOLUTION NO. F2023-03  
ACCEPTING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR THE  
SANTA MARGARITA WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO  
ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF  
BENEFIT ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM ("NPDES") STORMWATER PROGRAM**

WHEREAS, the California Regional Water Quality Control Board - San Diego Region, on behalf of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside and certain Cities within the Santa Margarita Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

WHEREAS, under existing state and federal regulations, the District must obtain and comply with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control and stormwater drainage facilities; and

WHEREAS, the NPDES Permit requires the District to develop, implement and manage specific compliance programs dealing with stormwater runoff that will benefit all property within the Santa Margarita Watershed that lies within the District's jurisdiction; and

WHEREAS, the District's Board of Supervisors ("Board") on May 14, 1991 adopted Resolution No. F91-22 pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water Conservation District Act, which is Appendix 48 to the California Water Code ("District Act"), and pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("Benefit Assessment Area"), which encompasses all territory within the District's jurisdiction that is within the Santa Margarita Watershed as described in Ordinance No. 14, and has levied annually thereon a Benefit Assessment ("Benefit Assessment") to pay the District's annual costs associated with the NPDES Permit; and

WHEREAS, the Benefit Assessments collected are principally used to finance capital costs and to maintain and operate the flood control system as required by the terms of said NPDES Permit and must be expended in the Benefit Assessment Area in which they are collected; and

WHEREAS, pursuant to Article IV of Ordinance No. 14, the General Manager/Chief Engineer of the District ("Chief Engineer") is to cause to be prepared annually a written report for each Benefit Assessment Area regarding the Benefit Assessment to be levied and to file said report ("Report") with the Clerk of the Board of Supervisors; and

WHEREAS, the Chief Engineer has caused a report to be prepared and filed with the Clerk of the Board of Supervisors regarding the Benefit Assessment to be levied for the 2023-24 Fiscal Year for the Santa Margarita Watershed Benefit Assessment Area; and

WHEREAS, Section 3 of Article IV of Ordinance No. 14 requires that the Board set a date, time and place for a public hearing on the Report; and

WHEREAS, the voters of California on November 5, 1996 approved Proposition No. 218 which added Article XIII D to the California Constitution ("Article XIII D") effective November 6, 1996; and

WHEREAS, with regard to an assessment in place as of November 6, 1996, Section 5(a) of Article XIII D provides in pertinent part that "...any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4 of Article XIII D until the assessment is increased.

**BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on the 13th day of June 2023 as follows:

Section 1. Each of the above recitals is true and correct.

Section 2. The Report prepared by the Chief Engineer and filed with the Clerk of the Board of Supervisors is accepted.

Section 3. The Report proposes that the Benefit Assessment to be levied on all parcels within the Santa Margarita Watershed Benefit Assessment Area, as described in Ordinance

No. 14, in Fiscal Year 2023-24 is equal to or less than the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

Section 4. The public hearing on the Report is to be held at 9:30 a.m. or soon thereafter on Tuesday, July 11, 2023, in the meeting room of the District's Board of Supervisors which is located at 4080 Lemon Street, 1st Floor, Riverside, California.

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Riverside, California

Riverside County Flood Control  
and Water Conservation District  
1995 Market Street  
Riverside, California

City of Temecula  
41000 Main Street  
Temecula, California

City of Murrieta  
1 Town Square  
Murrieta, California

Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by the Chief Engineer to be published in The Press Enterprise once a week for two (2) successive weeks pursuant to the provisions of Section 6066 of the California Government Code. The Chief Engineer is to cause said notice to be posted in at least three (3) public places within the boundaries of the Santa Margarita Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

Section 7. This Resolution shall take effect upon its adoption.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: June 16, 2023  
Kimberly A. Rector, Clerk of the Board  
By: Cindy Fernandez, Clerk of the Board Assistant  
Published: June 21, 28, 2023

Clerk of the Board  
County Administrative Center  
4080 Lemon Street, 1st Floor  
Riverside, California

Riverside County Flood Control  
and Water Conservation District  
1995 Market Street  
Riverside, California

City of Temecula  
41000 Main Street  
Temecula, California

City of Murrieta  
1 Town Square  
Murrieta, California

Section 6. The Clerk of the Board of Supervisors is to cause a notice to be prepared by the Chief Engineer to be published in The Press Enterprise once a week for two (2) successive weeks pursuant to the provisions of Section 6066 of the California Government Code. The Chief Engineer is to cause said notice to be posted in at least three (3) public places within the boundaries of the Santa Margarita Watershed Benefit Assessment Area at least seven (7) days prior to the date of the hearing.

Section 7. This Resolution shall take effect upon its adoption.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: June 16, 2023  
Kimberly A. Rector, Clerk of the Board  
By: Cindy Fernandez, Clerk of the Board Assistant  
Published: June 21, 28, 2023